

KASOWITZ, BENSON, TORRES & FRIEDMAN LLP

Brian P. Brosnahan (SBN 112894)

E-Mail: bbrosnahan@kasowitz.com

Margaret A. Ziemianek (SBN 233418)

E-Mail: mziemianek@kasowitz.com

101 California Street, Suite 2300

San Francisco, CA 94111

Telephone: (415) 421-6140

Facsimile: (415) 398-5030

David M. Friedman (admitted *pro hac vice*)

E-Mail: dfriedman@kasowitz.com

Michael C. Harwood (admitted *pro hac vice*)

E-Mail: mharwood@kasowitz.com

1633 Broadway

New York, New York 10019

Telephone: (212) 506-1700

Facsimile: (212) 506-1800

Attorneys for Plaintiff

CAPITAL TRUST, INC.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)**

CAPITAL TRUST, INC.,

Plaintiff,

vs.

WALTER R. LEMBI, individually and as trustee of the WALTER AND LINDA LEMBI FAMILY TRUST DATED JUNE 30, 2004; FRANK E. LEMBI, individually and as trustee of the OLGA LEMBI RESIDUAL TRUST CREATED UNDER THE PROVISIONS OF PART THREE OF THE LEMBI FAMILY REVOCABLE TRUST DATED FEBRUARY 17, 1984, and as the trustee of the FRANK E. LEMBI'S TRUST DATED FEBRUARY 17, 1984; BILLIE SALEVOURIS, individually; BILLIE Z. SALEVOURIS, as trustee for THE BILLIE SALEVOURIS TRUST DATED AUGUST 23, 1983 AS RESTATED ON MAY 24, 2002; DAVID M. RAYNAL, individually and as trustee for the DAVID M. RAYNAL REVOCABLE TRUST DATED MAY 9, 2002; RALPH DAYAN, individually and as co-trustee for the AMENDED AND RESTATED DAYAN FAMILY REVOCABLE TRUST DATED DECEMBER 31, 1991,

Defendants.

Case No. C 09-02492 JSW

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE DEADLINE TO
COMPLETE MEDIATION**

Judge: Hon. Jeffrey S. White
Courtroom 11, 19th Flr.

1 By and through their respective counsel of record, the parties to this action hereby
2 stipulate and agree as follows:

3 WHEREAS, pursuant to the Court's August 13, 2010 Civil Minute Order (docket no. 81),
4 the parties were ordered to complete court mediation by December 13, 2010;

5 WHEREAS, a motion to intervene (dkt #84) and two motions for summary judgment (dkt
6 # 85 & 86) (collectively "the Motions") were filed on October 1, 2010, set for hearing on
7 November 5, 2010, and later reset for hearing on December 10, 2010 by stipulation (dkt #96) and
8 order of the Court (dkt #97);

9 WHEREAS, the hearing on the Motions was further continued from December 10, 2010
10 to January 28, 2011, pursuant to the Court's November 24, 2010 Order (dkt # 120);

11 WHEREAS, the parties were scheduled to attend court mediation with Patrick D.
12 Robbins on December 9, 2010, but due to respective scheduling conflicts and difficulties with
13 the December 9, 2010 mediation date, have consulted with the mediator and agreed to postpone
14 the mediation to January 11, 2011.

15 Based on the foregoing, the parties stipulate and agree to attend court mediation on
16 January 11, 2011 and to complete mediation no later than January 28, 2011. The parties
17 respectfully request that the Court continue the deadline to complete mediation to January 28,
18 2011.

19 IT IS SO STIPULATED.

20 DATED: December 10, 2010

KASOWITZ BENSON TORRES & FRIEDMAN LLP

21
22 By: /s/ Margaret A. Ziemianek
Attorneys for Plaintiff
23 CAPITAL TRUST, INC.
24
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26
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28

1 DATED: December 13, 2010

DUANE MORRIS LLP

2
3 By:

/s/ Phillip K. Wang

Phillip K. Wang

Attorneys for Plaintiffs-in-Intervention

4 LBUBS2004-C8 BARTLETT STREET LIMITED
5 PARTNERSHIP, LBUBS2004-C8 BAY CLAY
6 LIMITED PARTNERSHIP, LBUBS2004-C8
7 GOUGH STREET LIMITED PARTNERSHIP,
8 LBUBS2004-C8 HYDE STREET LIMITED
9 PARTNERSHIP, LBUBS2004-C8 JOICE STREET
10 LIMITED PARTNERSHIP, LBUBS2004-C8
11 JONES STREET LIMITED PARTNERSHIP,
12 LBUBS2004-C8 LOMBARD STREET LIMITED
13 PARTNERSHIP, LBUBS2004-C8 MASON
14 STREET LIMITED PARTNERSHIP, LBUBS2004-
15 C8 Van Ness Limited Partnership

10 DATED: December 13, 2010.

EDWARD C. SINGER, JR.

11
12 By:

[Signature]
Edward C. Singer Jr.

Attorneys for Defendants

13 WALTER R. LEMBI, individually and as trustee of
14 the WALTER AND LINDA LEMBI FAMILY
15 TRUST DATED JUNE 30, 2004 and FRANK E.
16 LEMBI, individually and as trustee of the OLGA
17 LEMBI RESIDUAL TRUST CREATED UNDER
18 THE PROVISION OF PART THREE OF THE
19 LEMBI FAMILY REVOCABLE TRUST DATED
20 FEBRUARY 17, 1984 and as the trustee of the
21 FRANK E. LEMBI SURVIVOR'S TRUST DATED
22 FEBRUARY 17, 1984

1 DATED: December 13, 2010

FRIEDMAN DUMAS & SPRINGWATER LLP

2
3 By: 

4 Ellen Friedman
5 Mary Elaine Hammond
6 Stefanie Ann Elkins
7 Attorneys for Defendants
8 BILLIE Z. SALEVOURIS, individually and as
9 trustee for THE BILLIE SALEVOURIS TRUST
10 DATED AUGUST 23, 1983 AS RESTATED ON
11 MAY 24, 2002; DAVID M. RAYNAL, individually
12 and as trustee for the DAVID M. RAYNAL
13 REVOCABLE TRUST DATED MAY 9, 2002;
14 RALPH DAYAN, individually and as co-trustee for
15 the AMENDED AND RESTATED DAYAN
16 FAMILY REVOCABLE TRUST DATED
17 DECEMBER 31, 1991

18 **[PROPOSED] ORDER**

19 IT IS HEREBY ORDERED THAT the December 13, 2010 deadline to complete court
20 mediation is continued to January 11, 2011. If the parties resolve this matter at mediation, they shall
21 notify the Court in advance of the motion hearing set for
22 January 28, 2011.

23 IT IS SO ORDERED.

24 Dated: December 13, 2010

25 
26 Hon. Jeffrey S. White